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 San José, California 95110-1770  
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Attorneys for Defendant  
 COUNTY OF SANTA CLARA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 (San José Division)

CALVARY CHAPEL SAN JOSE, et al.,

Plaintiffs,

v.

COUNTY OF SANTA CLARA,

Defendant.

No. 20-CV-03794 BLF

**STATUS REPORT RE STATE COURT  
 PROCEEDING**

As previously directed by the Court, the County of Santa Clara submits this status report to apprise the Court of a recent order in *The People of the State of California, et al. v. Calvary Chapel San Jose, et al.*, No. 20CV372285, Superior Court of the State of California for the County of Santa Clara, which has re-set the hearing date on the County's motion for summary adjudication ("MSA") to February 28, 2023.

The County previously apprised the Court of a January 1, 2023 order continuing the MSA hearing date to March 30, 2023. ECF 259.

By order dated January 3, 2023, the Superior Court vacated the January 1 order and re-set the MSA hearing date to January 17, 2023. A copy of that January 3 order is attached as **Exhibit A**.

The Superior Court gave notice of the January 3 order to the County by U.S. mail, which was received at the County's offices on Friday, January 6, 2023, and which counsel became aware of on Monday, January 9, 2023. Counsel for the County understand from Calvary Chapel San Jose's

1 counsel that Calvary also was not aware of the January 3 order before January 9, 2023.

2 Due to the timing of the notice to the parties of the January 3 order, Calvary's deadline to file  
3 an opposition to the MSA (January 3, 2023) had passed without Calvary filing its brief and  
4 supporting papers. The parties agreed that a continuance of the MSA hearing date from January 17,  
5 2023, was necessary, so that the parties could complete the briefing on the MSA for the Superior  
6 Court; however, the parties did not agree on the length of the continuance that would be required.

7 By order dated today, January 12, 2023, the Superior Court set the hearing on the MSA for  
8 February 28, 2023, at 9:00 a.m. Pursuant to that order, Calvary's opposition to the motion is due by  
9 February 14, 2023; and the County's reply is due by February 23, 2023. A copy of that January 12  
10 order is attached as **Exhibit B**.

11 Dated: January 12, 2023

Respectfully submitted,

12 JAMES R. WILLIAMS  
13 County Counsel

14 By: /s/ Robin M. Wall  
15 ROBIN M. WALL  
16 Deputy County Counsel

Attorneys for Defendant  
COUNTY OF SANTA CLARA

17 2762016

# EXHIBIT A

**SUPERIOR COURT, STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA**

**DEPARTMENT 20**

161 North First Street, San Jose, CA 95113  
408.882.2320 · 408.882.2296 (fax)  
[smanoukian@scscourt.org](mailto:smanoukian@scscourt.org)  
<http://www.scscourt.org>

**FILED**  
JAN 03 2023

Superior Court of the State of California  
Superior Court of Santa Clara County  
BY                      DEPUTY  
(For Clerk's Use Only)

CASE NO.: 20CV372285

DATE: 03 January 2023

People of the State of California etc. v. Calvary Chapel San Jose, et al.

TIME:

LINE NUMBER: 00

**FORMAL ORDER AFTER HEARING**

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**Order Concerning Ex Parte Application of Defendants  
for Extension of Time to Hear Motion for Summary Adjudication etc.**

Upon further review of the order of this Court dated 01 January 2023 and the emails of counsels Wall, Gondeiro<sup>1</sup> and Tilak dated today, as well as the opposition papers which were not in Odyssey when this Court reviewed the matter, and good cause appearing, IT IS ORDERED that the Order of this Court dated 01 January 2023 resetting the motion of plaintiffs for summary judgment on 30 March 2023 at 9:00 AM in Department 6 is hereby VACATED. The motion of plaintiffs for summary judgment is ordered to be RESET to its original date of 17 January 2023 at 9:00 AM. This order is WITHOUT PREJUDICE to a showing in front of Judge Pennypacker that a continuance is warranted.

03 January 2023

DATED:

  
Hon. Socrates Manoukian

HON. SOCRATES PETER MANOUKIAN  
*Judge of the Superior Court  
County of Santa Clara*

<sup>1</sup> This Court assumes that the dates referred to in this email were incorrectly stated.

**Received by County Counsel**

**JAN 06 2023**



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA**  
DOWNTOWN COURTHOUSE  
191 NORTH FIRST STREET  
SAN JOSE, CALIFORNIA 95113  
CIVIL DIVISION

(ENDORSED)  
**FILED**  
JAN 04 2023  
Clerk of the Court  
Superior Court of CA County of Santa Clara  
TY \_\_\_\_\_ DEPUTY

**Jamila G. Benkato**  
**Office of the County Counsel**  
**70 W Hedding Street**  
**East Wing 9th Floor**  
**San Jose CA 95110-1770**

RE: **THE PEOPLE OF THE STATE OF CALIFORNIA et al vs CALVARY CHAPEL SAN JOSE et al**  
Case Number: **20CV372285**

**PROOF OF SERVICE**

**ORDER CONCERNING EX PARTE APPLICATION OF DEFENDANTS FOR EXTENSION OF TIME TO HEAR MOTION FOR SUMMARY ADJUDICATION** was delivered to the parties listed below the above entitled case as set forth in the sworn declaration below.

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If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408) 882-2700, or use the Court's TDD line (408) 882-2690 or the Voice/TDD California Relay Service (800) 735-2922.

**DECLARATION OF SERVICE BY MAIL:** I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown below, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on January 04, 2023. CLERK OF THE COURT, by Hientrang Tranthien, Deputy.

**cc:** Robert Henry Tyler Advocates for FAith & Freedom 25026 Las Brisas Rd Murrieta CA 92562

**Superior Court of California**  
**County of Santa Clara**

Downtown Superior Court  
191 North First Street  
San Jose, California 95113

RETURN SERVICE REQUESTED

quadrant

FIRST-CLASS MAIL

AUTO

01/05/2023

US POSTAGE

\$000.51<sup>5</sup>



ZIP 95113

041M12254054

**Received by County Counsel**

**JAN 06 2023**

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# EXHIBIT B



ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 313646 NAME: JAMILA BENKATO, Deputy County Counsel FIRM NAME: Office of the County Counsel, County of Santa Clara STREET ADDRESS: 70 W. Hedding Street, East Wing, 9 <sup>th</sup> Floor CITY: San José STATE: CA ZIP CODE: 95110 TELEPHONE NO.: (408) 299-5900 FAX NO.: (408) 292-7240 E-MAIL ADDRESS: jamila.benkato@cco.sccgov.org ATTORNEY FOR (name): Plaintiffs, The People of the State of California, et al. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San José, CA 95113 BRANCH NAME: DTS - Downtown Courthouse	FOR COURT USE ONLY  on 1/11/2023 8:02 AM Reviewed By: R. Aragon Case #20CV372285 Envelope: 10898462  CASE NUMBER: 20CV372285  JUDICIAL OFFICER: Hon. Evette Pennypacker  DEPT: 6
PLAINTIFF/PETITIONER: The People of the State of California, et al. DEFENDANT/RESPONDENT: Calvary Chapel San Jose, et al. OTHER:	
PROPOSED ORDER (COVER SHEET)	

**NOTE:** This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

- Name of the party submitting the proposed order:  
The People of the State of California, County of Santa Clara, and Sara H. Cody, M.D.
- Title of the proposed order:  
[PROPOSED] Order Granting Plaintiffs' Ex Parte Application to Continue the Hearing Date for Plaintiffs' Motion for Summary Adjudication
- The proceeding to which the proposed order relates is:  
Hearing on Plaintiffs' Motion for Summary Adjudication
  - Description of proceeding: Hearing on Plaintiffs' Motion for Summary Adjudication
  - Date and time: January 17, 2023, 9:00 a.m.  
DTS - Downtown Courthouse  
191 North First Street
  - Place: San José, CA 95113
- The proposed order was served on the other parties in the case.  
January 11, 2023

Jamila Benkato  
(TYPE OR PRINT NAME)

DocuSigned by:  
Jamila Benkato  
063B875484CC431  
(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME: The People of the State of California, et al.v.Calvary Chapel San Jose, et al.	CASE NUMBER: 20CV372285
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**PROOF OF ELECTRONIC SERVICE  
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**  
Maria D. Rodriguez

a. My residence or business address is (*specify*):  
70 W. Hedding Street, East Wing, 9<sup>th</sup> Floor  
San José, CA 95110

b. My electronic service address is (*specify*):  
maria.d.rodriguez@cco.sccgov.org

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):  
Mariah Gondeiro, Advocates for Faith & Freedom  
Robert H. Tyler, Advocates for Faith & Freedom  
Sue Kenney, Tyler & Bursch LLP

b. To (*electronic service address of person served*):  
mgondeiro@faith-freedom.com; skenney@tylerbursch.com; btyler@faith-freedom.com

c. On (*date*):  
January 11, 2023

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:  
January 11, 2023

Maria D. Rodriguez  
(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

1 JAMES R. WILLIAMS, County Counsel (S.B. #271253)  
MELISSA R. KINIYALOGTS, Lead Deputy County Counsel (S.B. #215814)  
2 KARUN A. TILAK, Deputy County Counsel (S.B. #323939)  
JAMILA BENKATO, Deputy County Counsel (S.B. #313646)  
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4 San José, California 95110-1770  
Telephone: (408) 299-5900  
5 Facsimile: (408) 292-7240  
jamila.benkato@cco.sccgov.org  
6

7 Attorneys for Plaintiffs  
THE PEOPLE OF THE STATE OF  
8 CALIFORNIA, COUNTY OF SANTA CLARA,  
AND SARA H. CODY, M.D., IN HER OFFICIAL  
9 CAPACITY AS HEALTH OFFICER FOR THE  
COUNTY OF SANTA CLARA  
10

**Exempt from Filing Fees Pursuant  
to Gov. Code, § 6103**

11  
12 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
13

14 THE PEOPLE OF THE STATE OF  
CALIFORNIA, COUNTY OF SANTA CLARA,  
15 and SARA H. CODY, M.D., in her official  
capacity as Health Officer for the County of  
16 Santa Clara,

17 Plaintiffs,

18 v.

19 CALVARY CHAPEL SAN JOSE; MIKE  
MCCLURE, and DOES 1-50,  
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21 Defendants.  
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No. 20CV372285

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' *EX PARTE* APPLICATION  
TO CONTINUE HEARING DATE FOR  
PLAINTIFFS' MOTION FOR SUMMARY  
ADJUDICATION**

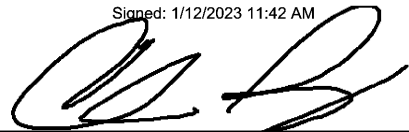
Date: TBD  
Time: TBD  
Dept: 6  
Judge: Hon. Evette Pennypacker

1 Based on the papers submitted, the application of Plaintiffs The People of the State of  
2 California, County of Santa Clara, and Sara H. Cody, M.D. for an order continuing the hearing date  
3 and setting a briefing schedule for Plaintiffs' Motion for Summary Adjudication is GRANTED. The  
4 Court finds there is good cause to continue the hearing date on Plaintiffs' Motion for Summary  
5 Adjudication. The Court sets Plaintiffs' Motion for Summary Adjudication for hearing on  
6 February 28, 2023 at 9:00 a.m./p.m. Defendants' opposition brief is due on  
7 Feb 14, 2023. Plaintiffs' reply brief is due on Feb 23, 2023.

8 **IT IS SO ORDERED.**

9  
10 DATED: January 12, 2023

Signed: 1/12/2023 11:42 AM



HONORABLE ~~EVETTE PENNYPACKER~~  
Christopher G. Rudy

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